

PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

**Montana Legislative Services Division**  
**Office of Research and Policy Analysis**  
**David D. Bohyer, Director**

EXHIBIT 1

DATE 1/7/15

HB                     

TO: Members of the House Transportation Committee  
FROM: Dave Bohyer, LSD Research Director *[Signature]*  
RE: Organizational Meeting  
DATE: January 5, 2015

Welcome to the House Transportation Committee. I am the research analyst assigned to staff the committee during the 2015 session.

The committee is scheduled to hold its organizational meeting at **3 p.m. on Wednesday, January 7**. Attached are a draft agenda and material for that meeting. Rep. Lavin, as presiding officer, is still working on final details for the meeting, so the draft agenda may change slightly.

Even so, I want to make sure that you have the attached material so that you have an opportunity to review it prior to the meeting. I'll be available to answer questions at the meeting. As part of the meeting, the committee will need to discuss and decide some of the administrative matters listed under Agenda Item 3, including how you wish to handle proxy voting.

Attached, please find:

- **Guidelines for Committee Procedures**, which outlines the manner in which hearings on bills will be carried out and other items related to committee operations;
- **Guidelines on Use of Electronic Devices**, which was adopted by the Legislative Council--the administrative committee for the Legislature--for publication in the Rules of the Montana Legislature, as guidelines;
- **Support Services Available to Committee Members**, which is a memo from me that outlines the role that I play in the committee's day-to-day operations;
- **Committee Member Responsibilities**, as outlined in the *Presiding Officer Manual*;
- **Procedure for Amendments**, a document outlining the procedures that you'll be asked to adopt; and
- **Legislation/Transmittal Deadlines**, which contains deadlines established in the Joint Rules for requesting and acting on various types of bills. These deadlines will be a driving force behind much of your committee work and activities in the full House.

If you have question on any of the material, please contact me by email at [dbohyer@mt.gov](mailto:dbohyer@mt.gov) or by phone at 444-3592.

I look forward to working with you this session!

# **HOUSE TRANSPORTATION COMMITTEE**

## **Organizational Meeting**

**Tentative Agenda**  
**January 7, 2015 3:00 p.m.**  
**State Capitol, Room 455**

---

**3:00 p.m. Call to Order -- Roll Call**

Rep. Steve Lavin, Presiding Officer

**3:05 Introduction of Committee Members and Committee Staff**

**3:20 Committee Administrative Matters**

- a. Review of Committee and Staffing Matters -- Rep. Mike Lavin
  - i. Procedural Guidelines for Committee Meetings
  - ii. Guidelines on Use of Electronic Devices
  - iii. Duties of Committee Staff
  - iv. Committee Member Responsibilities
  - v. Procedures for Requesting Amendments
  - vi. Transmittal Deadlines
- b. Committee Decisions on Procedural Matters
  - i. Amendment Protocols
  - ii. Proxy Forms
  - iii. Informational Witnesses

**3:35 Revenue and Transportation Interim Committee Overview**

- a. Summary of Studies and Recommendations
- b. Questions from the Committee

**3:45 Member Issues**

None at this time

**4:00 Adjourn**

**Draft Session Committee Rules of Procedure**  
For Consideration and Adoption by 2015 Standing Committees

**I. Public Hearings on Proposed Legislation**

**A. Hearing Process**

1. The Presiding Officer will announce the bill and sponsor and set any testimony time restrictions.
2. Proponents of the bill will present testimony.
3. Opponents of the bill will present testimony.
4. Informational witnesses should be allowed to introduce themselves. Committees should determine whether the informational witnesses are allowed to present testimony. Presiding Officers may reserve the right to designate an informational witness as a proponent or opponent should the information be supportive or critical of the bill.
5. Questions for the sponsor, proponents, opponents, or informational witnesses may be asked by committee members and will be directed through the Presiding Officer.
6. The sponsor of the bill will close the presentation.

**B. Witnesses**

1. All witnesses must sign the witness sheet before presenting testimony.
2. Proponents and opponents should try to state new points of testimony only. If they wish to agree with points already made, they should simply say so.
3. Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
4. Written testimony may also be submitted for the permanent committee record. Written testimony should include the name and affiliation of the person submitting the testimony.
5. Testimony requiring the use of video, audio, or other equipment is permitted, if arrangements are made in advance. A copy of the testimony should be provided to the secretary for the permanent record.
6. Absentee video or audio testimony is not permitted.
7. If a member of the committee wishes to testify on a bill, that member will sit in the audience as a member of the public during the hearing. That member may not both testify and ask questions of the public during the hearing.

**C. General**

1. A quorum is required to call a meeting to order.
2. Everyone will act and be treated in a courteous manner.
3. The Presiding Officer will maintain order during meetings.
4. The use of cameras, television, radio, or videotaping equipment is allowed, but the Presiding Officer may designate areas appropriate for use.
5. Attendance is expected of members appointed to a committee.

**II. Executive Action**

- A. A quorum is required to take executive action.
- B. Generally, executive action will not be held the same day as the public hearing on the bill. Executive action may be taken on the same day on noncontroversial bills or due to time constraints.
- C. Executive action is open to the public, but discussion is limited to committee members. Members of the public may be asked questions by committee members at the discretion of the Presiding Officer.
- D. Absentee voting by committee members is permitted in writing through the use of a proxy form. The contents of the form must be determined by the committee at the start of the session.
- E. Motions by committee members do not require a second.

## Guideline on Use of Electronic Devices

Adopted by the Legislative Council

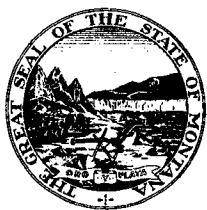
November 13, 2014

To be included in the publication of the Rules of the Montana Legislature (2015) as a Guideline

(1) A legislator's primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony.

(2) Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse him or herself from the hearing.

(3) Use of electronic devices for written communication regarding legislative business may potentially constitute a public record that could be subject to the public right-to-know provisions of the Montana Constitution.



PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

**Montana Legislative Services Division**  
**Office of Research and Policy Analysis**  
**David D. Bohyer, Director**

January 5, 2015

TO: Members of the House Transportation Committee  
FROM: Dave Bohyer, LSD Research Director *[Signature]*  
RE: Support services available to Committee members

I will perform the following functions in support of the committee:

1. Draft amendments for consideration during executive action, using the same bill drafting guidelines as were applied to the original bill.
2. Draft proposed amendments upon request of individual committee members before committee action on a given bill.
3. Draft proposed amendments to be moved on Second Reading before the full Senate or House of Representatives upon request of any committee member.
4. Submit a request for and draft committee bills.
5. Review legislation and advise the committee as to constitutionality, internal consistency, possible conflicts with existing provisions and other bills, and compliance with bill drafting provisions.
6. Attend subcommittee meetings to perform the appropriate functions listed above.
7. Attend conference committee or free conference committee deliberations as assigned to perform the appropriate functions listed above.
8. Assist the committee or an individual committee member in obtaining data or any pertinent information from state or local agencies, the federal government, or other states pertaining to bills under deliberation by the committee.

My office is located on the 1st floor of the Capitol, in Room 111-C, and my telephone number is 444-3592. My regular office hours are 8 a.m. to 5:00 p.m. Monday - Friday. I also will be working most Saturdays on an unscheduled basis. During January and early February I will have extended hours.

I look forward to working with you this session, both individually and as members of the House Transportation Committee.

Respectfully.

## **HOUSE TRANSPORTATION COMMITTEE**

### **Committee Member Responsibilities**

Committee members are responsible for:

1. Knowing the rules, protocols (for example, asking questions through the presiding officer and knowing what to do in an emergency), and proper questioning of witnesses (for example, not treating them as if they were on trial in a court).
2. Providing to or requesting amendments from staff at least 24 hours in advance of committee action to ensure proper drafting and editing of the amendments.
3. Showing up for committee meetings, on time, and paying attention to the work of the committee, in particular to bills being heard by the committee and to witnesses who are testifying on a bill. It is important to remember that colleagues who are not on the committee may rely on members of the committee to explain a bill heard in that committee (because as much as everyone would like to read ALL the bills, legislators often rely on committee members to explain the details.)  
Complaints heard from the public about committee member conduct include:
  - a. Frequent absences from committee meetings. (Apologies to committee members may assuage the situation.)
  - b. Use of a computer/cell phone in the committee room for e-mails or other work that does not appear to be related to the bill being heard by the committee.
  - c. Frequent snacking in a manner that indicates the member is not paying attention to the bill hearing. Getting coffee, etc., is best done between hearings on bills or between hearings and executive action.
4. Letting the presiding officer or the minority vice presiding officer know if the committee member is unable to attend a committee meeting and providing a written proxy for bills and amendments to the appropriate vice presiding officer.

## **Senate Highways and Transportation Committee Amendments Procedure – 2015**

### **Action Item**

1. Legislative staff will draft amendments only at the request of a legislator. A legislator must be willing to “sponsor” proposed amendments before the legislative services staff (drafter, editor, attorney) will devote time to an amendment.
2. Only a committee member can move amendments to a bill while the bill is in committee.
3. Although a legislator who is not on the committee may request that amendments be drafted, the legislator must be able to convince a committee member to move, or “sponsor,” the amendments while the bill is in committee.
4. Amendments for a bill that is still in committee are best requested by a member of the committee. Otherwise, if no committee member will agree to move the amendments, staff time will have been spent in drafting amendments that won't be considered. (However, once on the floor of the House, i.e. the “Committee of the Whole”, a bill may be amended by any member of the House.)

### **Time Lines for Submission of Amendments**

Amendments should be verbally suggested or submitted in writing to the committee during the hearing on the bill. Suggesting amendments during the executive session is ill-advised.

Amendments to be presented to the committee for consideration during executive session must be:

- a. requested by a legislator (see 1 through 4 above); and
- b. submitted in writing to staff for drafting, legal review, function and coordination analysis, and editing by noon of the day prior to executive action on the bill.

This deadline will be even more important as the session progresses and more bills and amendments are up for consideration. Complicated amendments or substantive amendments to complex legislation can require considerable staff time to analyze, draft, cross reference, edit, and prepare accurately. Voting on conceptual amendments is risky because that they may not function once they are incorporated into the bill.

### **Exception**

A minor amendment that requires no detailed analysis or editing--such as adding an effective date--may be considered on shorter notice and/or during executive session at the discretion of the Presiding Officer. If the committee approves any amendment that is not prepared by staff in advance of executive session, the staff must be authorized to make additional amendments to accommodate and, if necessary, correct the amendments adopted.

### **III. Amendments**

#### **A. Requests for Amendments**

1. Requests for amendment drafting should be given to staff at least 24 hours in advance of executive action.
2. Amendments must be requested by a legislator, and the request may be made in writing, by e-mail, via a phone call, or in person.
3. Conceptual amendments are discouraged. Amendments are drafted by staff in advance to ensure time for review, editing, and distribution. If a conceptual amendment is allowed, staff must be afforded the opportunity to make corrections and edits without further committee review or action.
4. Any member of the public may ask a legislator to request an amendment.
5. Staff will not draft amendments for bills outside of this procedure.

#### **B. Amendment Protocol**

1. Committee members are the only legislators who can move amendments to a bill while the bill is in committee.
2. Pursuant to Article V, section 11 of the Montana Constitution, amendments must be within the title of the bill. This prohibits a bill from being amended in such a way that the original purpose, as stated in the title, is changed.

### **IV. Notice of Hearings: See Rules of the Montana Legislature**

#### **A. Senate Rule 30-60 provides:**

1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.
2. Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:
  - a. prior to the third legislative day;
  - b. less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;
  - c. to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or
  - d. due to appropriate circumstances.

#### **B. House Rule 30-40 provides:**

1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.
2. All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

### **V. Proxies**

Proxies are allowed by rule and must be in a written form and reflected in the minutes. The committee is to decide how to handle proxies and how much information is to be submitted on the proxy form. Samples, based on past usage, are under Appendix 3. Forms may change depending on leadership directives or adoption of new rules.



## House Transportation Committee Legislation/Transmittal Deadlines—2015

### Transmittal Deadlines

The joint House and Senate rules establish a number of deadlines, both for requesting legislation and for transmitting legislation from one chamber to the other.

To meet the transmittal deadlines for the various types of legislation, committees must finish up work on the bills several days in advance of each deadline, so the bills can be processed out of committee, printed for the floor, and go through second and third readings.

Both chambers typically meet in full-day floor sessions during the three days before the **February 26 deadline** for transmittal of general bills. Committee work on general bills usually needs to be completed by the Friday before transmittal week, unless the committee decides to meet on the Saturday before transmittal week.

To meet the **April 7 deadline** for transmitting amendments to Senate bills, the committee needs to complete action at least three days before the transmittal deadline on all bills that will be amended.

The various transmittal deadlines often mean that committees must hear more bills right before the deadline. This sometimes results in shorter amounts of time being allotted to the hearing for each bill or in the need to schedule additional meetings.

Following is a summary of the various transmittal deadlines, based on the session calendar set by the Legislative Council in 2014. If legislative leaders make changes to the session calendar, the dates below may change.

Bill Type	Legislative Day	Date	Suggested Last Date for Committee Action
General Bills or Resolutions	45	Feb. 26	Feb. 20
Appropriation Bills	67	March 27	March 23
Revenue Bills and Referendums	71	April 1	March 26
Amendments to General Bills	73	April 7	March 30
Amendments to Appropriation Bills	80	April 15	April 10
Amendments to Revenue Bills	82	April 17	April 13
Interim Study Resolutions	85	April 21	April 17

### **Deadlines for Requesting Bills**

All bill-drafting requests must be submitted by 5 p.m. on the legislative day noted.

The 2013 legislative rules set the following deadlines for requesting bills. The rules will remain in effect unless the 2015 Legislature changes the deadlines.

<b>Bill Type</b>	<b>Deadline</b>	
	<b>Legislative Day</b>	<b>Date</b>
General Bills and Resolutions	Day 12	Jan. 19
Revenue Bills	Day 17	Jan. 24
Committee Bills and Resolutions	Day 36	Feb. 16
Appropriation Bills	Day 45	Feb. 26
Interim Study Resolutions*	Day 60	March 19
Referendums and Committee Revenue Bills	Day 62	March 21
Committee Bills Implementing HB 2	Day 67	March 27
Resolutions Expressing Senate Confirmation of Appointments	No deadline	
Bills/Resolutions for Amending or Adopting Administrative Rules	No deadline	

\*Typically, a committee request for an interim study could be submitted up until this date.